

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF GUAM

3

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

Case No.

7 JOHN D. WALKER,

1:18-cr-00010

8 aka JON WALKER,

9 MARVIN R. REED, KENNETH R. CROWE,

10 PHILLIP T. KAPP, RANDALL ROGERS,

11 HANSEN HELICOPTERS, INC., et al.,

12 Defendants.

13

14 HEARING

15 DATE: Friday, June 8, 2018

16 TIME: 9:04 a.m.

17 BEFORE: Honorable Joaquin V.E.

18 Manibusan, Jr.

19 LOCATION: United States Courthouse

20 520 West Soledad Avenue

21 Hagåtña, Guam 96910

22 RECORDER: Walter M. Tenorio

23

24

25

A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFF:

3 STEPHEN LEON GUERRERO, ESQUIRE

5 | Sirena Plaza

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7 Hagåtña, GU 96910

8

9 ON BEHALF OF DEFENDANT, JOHN D. WALKER:

10 MACK K. MARTIN, ESQUIRE

11 AMBER B. MARTIN, ESQUIRE

12 Martin Law Office

13 125 Park Avenue, Fifth Floor

14 Oklahoma City, OK 73102

15

16 JAMES M. MAHER, ESQUIRE

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21 ON BEHALF OF DEFENDANT, KENNETH R. CROWE

22 DAVID J. LUJAN, ESQUIRE

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1 ON BEHALF OF DEFENDANT, PHILLIP T. KAPP:

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8 ON BEHALF OF DEFENDANT, MARVIN R. REED:

9 PETER CORNELL PEREZ, ESQUIRE

10 The Law Offices of Peter C. Perez

11 Suite 802, DNA Building

12 238 Archbishop Flores Street

13 Hagåtña, GU 96910

14

15 ALSO PRESENT:

16 JANET YAMASHITA, U.S. Probation Officer

17 PETER PROZIK, Special Agent, FBI

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10 | Counsel, please state your appearance.

11 MR. LEON GUERRERO: Buenas yan håfa
12 adai, Your Honor. Stephen Leon Guerrero on
13 behalf of the United States. Also present is FBI
14 Special Agent Pete Prozik.

15 THE COURT: Good morning.

16 MR. LEON GUERRERO: Good morning.

17 MR. MARTIN: Mack Martin, Your Honor.
18 Also appearing with me is Amber Martin and our
19 local counsel, Jim Maher. John Walker's also
20 present.

21 THE COURT: Good morning.

22 MR. MARTIN: Good morning, Your Honor.

1 Walker. And sir, let me just advise you that the
2 grand jury has returned an indictment herein
3 charging you in Count 1 with the offense of
4 conspiracy to defraud the National Transportation
5 Safety Board and the Federal Aviation
6 Administration; further charging you in Count 2
7 with conspiracy to defraud the Federal Aviation
8 Administration; further charging you in Counts 3
9 to 5 with the offense of honest services fraud;
10 further charging you in Counts 6 to 10 with the
11 offense of wire fraud; and further charging you
12 in Counts 11 to 16 with the offense of money
13 laundering for matters and events as they are
14 more particularly stated in each of the counts
15 that the Court has referred to. And sir, have
16 you seen or received a copy of the indictment?

17 MR. WALKER: Yes, sir.

18 THE COURT: All right. Let me just
19 advise you of certain rights that you have in
20 this matter. You have the right to be
21 represented by an attorney of your own choosing,
22 and you've exercised that right today by having
23 retained counsel represent you in today's
24 proceedings. Is that correct?

25 MR. WALKER: Yes, Your Honor.

1 THE COURT: And today we're here for
2 arraignment, so let me ask that you be placed
3 under oath for purposes of being arraigned by the
4 Court.

5 COURTROOM DEPUTY: Please stand, sir,
6 and raise your right hand. You do solemnly swear
7 to tell the truth, the whole truth and nothing
8 but the truth, so help you?

9 MR. WALKER: I do.

10 COURTROOM DEPUTY: Thank you. May be
11 seated. And if I can have you state your full
12 name and spell your last name for the record.

13 MR. WALKER: It's John Darryl Walker.

14 COURTROOM DEPUTY: Can you spell the
15 last name for me?

16 MR. WALKER: Oh, W-A-L-K-E-R.

17 COURTROOM DEPUTY: Thank you, sir.

18 THE COURT: And Mr. Walker, can I ask
19 you, sir, how old you are?

20 MR. WALKER: Fifty-two.

21 THE COURT: All right, and sir, in
22 terms of your education, how far did you go in
23 school?

24 MR. WALKER: High school.

25 THE COURT: Okay, and are you currently

1 or have you recently been under the care of a
2 doctor or a psychiatrist or been hospitalized or
3 treated for narcotics addiction?

4 MR. WALKER: No, sir.

5 THE COURT: And sir, have you taken any
6 drugs, medicine or pills or alcohol in the past
7 24 hours?

8 MR. WALKER: No, sir.

9 THE COURT: All right, and, sir, you've
10 indicated to the Court that you've received a
11 copy of the indictment that has been filed in
12 this case against you. Have you had some
13 opportunity to discuss the charges therein with
14 your attorney?

15 MR. WALKER: Yes.

16 THE COURT: And at this time, let me
17 ask you and your attorney whether you wish to
18 wait reading of the indictment and are prepared
19 to enter a plea.

20 Mr. Mack? Mr. Martin, I'm sorry.

21 MR. MARTIN: Your Honor, we will waive
22 reading -- we'll waive reading of the indictment,
23 Your Honor.

24 THE COURT: All right, and as to the
25 charges against the Defendant, how does the

1 Defendant plead?

2 MR. MARTIN: He'll enter a plea of not
3 guilty to all counts, Your Honor.

4 THE COURT: All right, and the Court
5 will enter Mr. Walker's belief not guilty to all
6 of the charges against him in the indictment as
7 the Court has stated it to Mr. Walker, and I
8 guess the next thing for the Court to do really
9 would be to set the trial date here. And looking
10 at the record, I see that the Government has
11 filed a motion here for an extension of time to
12 provide discovery.

13 MR. LEON GUERRERO: Yes, Your Honor,
14 and if I may.

15 THE COURT: Mr. Guerrero?

16 MR. LEON GUERRERO: Yes. Thank you.
17 So with respect to the unopposed motion for
18 extension of time, and I did speak with counsel
19 prior to the hearing, just to let Your Honor know
20 at the time that this motion was filed because
21 the other Defendants, Defendants Kapp, Reed and
22 Crowe --

23 THE COURT: Crowe.

24 MR. LEON GUERRERO: -- had been
25 arraigned already. So this was generated

1 because, again, the discovery deadline for the
2 Government was yesterday.

3 THE COURT: That's correct.

4 MR. LEON GUERRERO: So I filed this,
5 and just to make the record clear, I know I do
6 reflect here in the motion that I said defense
7 counsels, and I should have been more specific
8 stating those specific defense counsels for the
9 respective Defendants.

10 THE COURT: Those who have previously
11 appeared.

12 MR. LEON GUERRERO: Correct, and I
13 didn't coordinate with Attorney Martin given the
14 fact that his arraignment was going to be today.

15 THE COURT: All right.

16 MR. LEON GUERRERO: So I just wanted to
17 make sure the record was clear with respect to
18 that. It was only for the three other Defendants
19 and their lawyers that I coordinated prior to
20 filing this motion. But my understanding is, I
21 think Attorney Martin did have a proposal that
22 the Government is considering, and I'll allow him
23 to elaborate on that.

24 THE COURT: All right, sir.

25 MR. MARTIN: Your Honor, I spoke to

1 Stephen this morning and advised him that we
2 talked about this case and proposed we present a
3 joint motion to the Court to declare this a
4 complex case, ask the Court, once that's filed in
5 the body of the motion, and that we reset all
6 scheduling deadlines and the trial date because
7 if the Court's reviewed some of the pleadings by
8 the Government in this case, and there's another
9 case involving the forfeiture, there are tens of
10 thousands, if not hundreds of thousands of
11 documents in this case, and that way the Court
12 would have much more information in front of it,
13 and maybe we could get together and set realistic
14 deadlines versus those that at this time would
15 comply with the speedy trial act.

16 THE COURT: Let me ask this. When can
17 the Court meet with all of the attorneys to
18 discuss a more reasonable trial date, taking into
19 consideration the discovery that the Government
20 needs to provide the Defendants and the time
21 that's needed for the Defendants to review the
22 discovery and to be adequately prepared for
23 purposes going to trial?

24 MR. MARTIN: It would be helpful to us,
25 Your Honor, if we at least had the opportunity to

1 review some of the discovery materials to know
2 what we're dealing with. But I just know from
3 the pleadings they filed, we've not seen
4 anything, that it is extensive. So if the Court
5 gives the Government an extension to provide it,
6 I would hope that after they provided it, we
7 would have the opportunity to appear and set
8 those. But I think to go ahead and file a joint
9 motion and get the Court aware of the fact that
10 we all think this is a complex case would at
11 least aid the Court in knowing what we're looking
12 at.

13 THE COURT: With the understanding that
14 the joint motion, in a sense, really is for the
15 purpose of vacating the current deadlines that
16 are set, including the current trial date that's
17 set by the Court.

18 MR. MARTIN: Sure.

19 MR. LEON GUERRERO: And the reason
20 being too, Your Honor, it's also reflective in
21 the motion that was filed, that with respect to
22 the discovery, because, again, there's additional
23 discovery that's currently --

24 THE COURT: Well, my understanding from
25 your motion, is that you're awaiting hard drives

1 from the Defendant --

2 MR. LEON GUERRERO: Correct.

3 THE COURT: -- and once they provide
4 you the hard drives, it would take approximately
5 three weeks to, I suppose, download. Is that the
6 right term? Download the discovery materials to
7 these hard drives for production --

8 MR. LEON GUERRERO: Production to the
9 defense counsels.

10 THE COURT: -- for production to them,
11 and I guess at that point, it needs to be
12 determined how much time they need to look at the
13 discovery --

14 MR. LEON GUERRERO: Right.

15 THE COURT: -- and to adequately
16 prepare really for purposes of trial.

17 MR. LEON GUERRERO: Right.

18 THE COURT: And then taking into
19 consideration also everybody's trial calendar,
20 because, you know, not everybody can be able to
21 go to trial at a certain date. Some of you may
22 have currently trial dates that are pending. So
23 that has to be taken by the Court in
24 consideration in setting a new trial date that's
25 convenient to all of the attorneys and the

1 parties.

2 MR. LEON GUERRERO: Yes. Your Honor.

3 THE COURT: So what is your proposal
4 today?

5 MR. MARTIN: Your Honor, my proposal is
6 today that we set a date -- let's say,
7 hypothetically, this is June 8th.

8 THE COURT: Right.

9 MR. MARTIN: If we provide them maybe
10 next week, the hard drives, three weeks out would
11 put us sometime in July, give us --

12 THE COURT: Well, assuming that you
13 provide the hard drives by the 14th.

14 MR. MARTIN: Yes, sir.

15 THE COURT: Three weeks after that,
16 really, based on my calculation, falls on the
17 motion cutoff date. So realistically, you know,
18 I mean, we can go to trial with the dates in hand
19 because we've already gone past the motion cutoff
20 deadline.

21 MR. MARTIN: I guess what I'm
22 suggesting is by filing the motion to declare it
23 a complex case, it would suspend these deadlines
24 pending further order from the Court.

25 THE COURT: Okay. So should we have a

1 status hearing at some point in time?

2 MR. MARTIN: I was going to suggest,
3 Your Honor --

4 THE COURT: And when should we have
5 that status hearing?

6 MR. MARTIN: I was going to suggest
7 after we get the materials, let's say in July,
8 maybe 20 days out, we set a status hearing where
9 all counsel meet with the Court.

10 THE COURT: All right. Well, can I get
11 a date then when you think these hard drives will
12 be submitted to the Government so I can have an
13 idea as to certain timeframes?

14 MR. MARTIN: As I understand, do we
15 have to ship them to Honolulu or do we give them
16 to --

17 MR. LEON GUERRERO: Yeah. They have to
18 be shipped to Honolulu.

19 THE COURT: The hard drives?

20 MR. LEON GUERRERO: Correct.

21 THE COURT: Okay. Well, you can -- the
22 hard drives can be --

23 MR. LEON GUERRERO: So my
24 understanding, Your Honor, the hard drives that
25 the FBI has to download the information onto

1 would have to be sent to Hawaii, which we will
2 provide the address needed. And then with
3 respect to the discovery that's currently in the
4 possession of the Department of Transportation,
5 the hard drives would have to be sent to
6 Washington D.C., and again, there's an address
7 that will be provided as well.

8 THE COURT: All right. So the
9 Defendants would send to you through Honolulu the
10 hard drives.

11 MR. LEON GUERRERO: Correct.

12 THE COURT: And once that's received
13 there, that will be sent to Washington D.C.?

14 MR. LEON GUERRERO: No. The hard
15 drives should be sent directly to the address --

16 THE COURT: To Honolulu?

17 MR. LEON GUERRERO: -- in Washington
18 D.C. for the Department of Transportation. And
19 then for the information that the FBI has, the
20 hard drives would have to be sent to Hawaii, to
21 the FBI's CART office. And then they'll provide
22 the discovery on those hard drives. So upon
23 receipt of the respective agencies receiving the
24 hard drives, we're submitting three weeks,
25 approximately three weeks, that information

1 should be produced to -- downloaded and produced
2 to defense counsels.

3 THE COURT: All right. So as I
4 understand it, these hard drives need to be
5 mailed to Honolulu, right, by the Defendants?

6 MR. LEON GUERRERO: Correct, for the
7 information that the FBI has in their possession.

8 THE COURT: Okay.

9 MR. LEON GUERRERO: And then a separate
10 hard drive would need to be sent to the
11 Department of Transportation's office in
12 Washington, D.C.

13 THE COURT: All right. So they're
14 sending two hard drives then each?

15 MR. LEON GUERRERO: No. So --

16 THE COURT: No?

17 MR. LEON GUERRERO: So with respect to
18 the order, Your Honor, or to the motion --

19 THE COURT: Okay.

20 MR. LEON GUERRERO: -- so the counsels
21 have to provide four --

22 THE COURT: Hard drives?

23 MR. LEON GUERRERO: -- four terabyte
24 hard drives.

25 THE COURT: Right.

1 MR. LEON GUERRERO: So there's four
2 four-terabyte hard drives. They need four of
3 those that they have to send over to Honolulu --

4 THE COURT: Right.

5 MR. LEON GUERRERO: -- for the
6 information that they have. Now, there's
7 additional, like, videos, images. And if they
8 want this information, they would have to provide
9 an additional three four-terabyte hard drives to
10 Honolulu to download that information. So this
11 will be sent directly to the CART office in
12 Honolulu. The Department of Transportation --

13 THE COURT: Well, why would you have
14 three when there's four of them as to the second
15 one?

16 MR. LEON GUERRERO: So it'd be a total
17 of seven, Your Honor. If they want all the
18 discovery pertaining to this case, they would
19 need to send seven hard drives, each being four
20 terabytes, to Honolulu.

21 MR. MARTIN: Is that per Defendant, or
22 is that for everybody?

23 MR. LEON GUERRERO: No, per Defendant.

24 MR. MARTIN: Seven hard drives per
25 Defendant.

1 MR. LEON GUERRERO: Correct. That
2 would have to be sent to Honolulu. Now --

3 THE COURT: Oh, I see.

4 MR. LEON GUERRERO: And then with
5 respect to --

6 THE COURT: Oh, so when you say four
7 hard drives, it's four per Defendant.

8 MR. LEON GUERRERO: Correct.

9 THE COURT: So it's seven then per
10 Defendant in total.

11 MR. LEON GUERRERO: That would have to
12 be sent to Hawaii.

13 THE COURT: Okay.

14 MR. LEON GUERRERO: Okay. Now
15 Department of Transportation also has information
16 that's ready to be produced, and defense counsel
17 has to send -- they have to send a separate hard
18 drive to Department of transportation in D.C. so
19 they can download --

20 THE COURT: And how many of those would
21 they need to send?

22 MR. LEON GUERRERO: Just one.

23 THE COURT: Just one?

24 MR. LEON GUERRERO: Just one for the
25 information from the Department of

1 Transportation.

2 THE COURT: But they need four, because
3 there are four Defendants here.

4 MR. LEON GUERRERO: Yeah. So one each.
5 So --

6 MR. MARTIN: I mean, they need 28 hard
7 drives, it sounds like.

8 MR. LEON GUERRERO: Correct, total for
9 all Defendants.

10 THE COURT: Well --

11 MR. LEON GUERRERO: So it's about --
12 it's approximately eight hard drives per
13 Defendant.

14 THE COURT: Well, 28 -- seven per
15 Defendant to Hawaii.

16 MR. LEON GUERRERO: Correct.

17 THE COURT: And four again to D.C., no?

18 MR. LEON GUERRERO: Just one. It's
19 just one terabyte hard -- one four-terabyte hard
20 drive that has to be sent to Department of
21 Transportation.

22 THE COURT: All right. But they're
23 four Defendants, though.

24 MR. LEON GUERRERO: Per Defendant. So
25 a total of four.

1 THE COURT: Okay. All right.

2 MR. MARTIN: Thirty-two.

3 THE COURT: Okay. Yeah. Okay. So in
4 a sense, a total of 32.

5 MR. MARTIN: Correct.

6 THE COURT: Okay, and just as an
7 additional question by the Court, really, you're
8 saying that the process to get it to the
9 Defendants, if it's mailed to Honolulu, would
10 take approximately three weeks from the receipts
11 of these hard drives.

12 MR. LEON GUERRERO: Correct. So once -
13 -

14 THE COURT: What about the timeframe in
15 Washington, D.C.?

16 MR. LEON GUERRERO: We'd submit --

17 THE COURT: Is it the same?

18 MR. LEON GUERRERO: -- the three weeks
19 -- we'd submit that the three weeks --

20 THE COURT: From the time that it's
21 received?

22 MR. LEON GUERRERO: Correct. Correct.

23 THE COURT: And the manner in which it
24 is to be sent to the offices, are they to be sent
25 special deliveries? I'm not so sure how we would

1 want to send them.

2 MR. LEON GUERRERO: If I can just have
3 one moment, Your Honor.

4 THE COURT: Okay. Shipping it might
5 take some months.

6 MR. LEON GUERRERO: Okay. So, so the
7 information that I received, Your Honor, is with
8 respect to the Defendants that will be currently
9 on Guam at the time, we can coordinate to have
10 those hard drives sent to us. And we'll provide
11 those hard drives to defense counsels for the
12 three Defendants that are here. With respect to
13 --

14 THE COURT: You mean once the discovery
15 has been downloaded into the hard drives?

16 MR. LEON GUERRERO: Once we receive the
17 hard drives from Department of Transportation and
18 the FBI CART team from Hawaii, once we receive it
19 here on Guam, we'll coordinate with defense
20 counsels to arrange for the production of that
21 discovery.

22 THE COURT: All right. So the process
23 then is the Defendants will separately mail these
24 hard drives to Honolulu.

25 MR. LEON GUERRERO: Right.

1 THE COURT: And Honolulu in turn will
2 mail it back to you?

3 MR. LEON GUERRERO: For the three that
4 are here, and we can coordinate, you know, with
5 their defense counsels here to get the
6 information. I anticipate, you know, Defendant
7 Walker would like to be able to go back to his
8 residence in Missouri. So with respect to his
9 information, the FBI and Department of
10 Transportation can send the hard drives that have
11 been downloaded onto directly to Attorney Martin.

12 THE COURT: I see. Okay. All right.
13 Is that a procedure that's satisfactory to
14 everybody?

15 MR. MARTIN: I don't know that we have
16 a choice, Your Honor.

17 THE COURT: Okay.

18 MR. MARTIN: I would suggest based on
19 what he said, that just to make sure we keep
20 everything on track, that we set a status
21 conference date for discovery conference for the
22 Court to know where we are. And based on what he
23 said, I would anticipate late July or sometime in
24 August just to make sure we have everything and
25 that everybody's got the materials they're

1 supposed to get. We can -- I mean, it sounds
2 like with 32 hard drives, it sounds like we're
3 going to spend a couple thousand dollars per
4 Defendant just getting hard drives to them.

5 THE COURT: All right. Let's see. If
6 the Court were to set a status hearing August
7 15th, is that a timeframe that's reasonable and
8 non-objectionable to the parties?

9 MR. LEON GUERRERO: The Government
10 wouldn't have an objection with that date, Your
11 Honor.

12 MR. MARTIN: Your Honor --

13 THE COURT: The 15th is a Wednesday.

14 Mr. Martin?

15 MR. MARTIN: The only -- the problem I
16 have with it is, and it's not an issue, Your
17 Honor, I'll just -- on the 17th, which is two
18 days later, and it's two days for me to get here,
19 I have a murder one hearing in a little town in
20 Oklahoma called Duncan, Oklahoma. And I don't
21 think my judge is going to be very receptive to
22 moving that case since it was set some time ago.
23 If we could maybe go --

24 THE COURT: A week before?

25 MR. MARTIN: A week before or a week

1 after, either one. Mondays and Fridays are
2 Better for me. But I'll be here whenever the
3 Court says obviously.

4 THE COURT: Okay. Well, August 13th --
5 okay, well, that's the same week. Would that be
6 fine or not? August 13th is a Monday, or would
7 you like to wait until Friday?

8 MR. MARTIN: If we could go one week
9 more, Judge, if it's possibility, we can go --

10 THE COURT: Oh, the 6th? You mean the
11 6th?

12 MR. MARTIN: I meant the next week.
13 The week of the 20th would be a much better week
14 for me if we could do that.

15 THE COURT: All right. But I thought
16 you had a murder case on the 17th.

17

18 MR. MARTIN: On the 17th, I do. My
19 concern is on the 13th, and I --

20 THE COURT: But wouldn't you be on
21 trial on the 20th?

22 MR. MARTIN: No, it is a one-day, what
23 they call a preliminary examination, Your Honor.
24 If we don't finish it on Friday, they'll set a
25 new date out. We've got that whole day set

1 aside. It will not be finished that day. But we
2 won't be going on the 20th.

3 THE COURT: I see. Okay. All right.

4 CLERK: Judge, August 20, 9:00.

5 THE COURT: The 20th, at 9:00, then.

6 Is that date fine with everybody? August 20th,
7 for a status hearing at 9:00?

8 MR. MARTIN: The 20th at 9:00.

9 THE COURT: I see Mr. Perez in the back
10 and Mr. Lujan. Would that be fine with you, Mr.
11 Perez and Mr. Lujan?

12 MR. LUJAN: I'm good.

13 MR. PEREZ: That's fine.

14 THE COURT: And that would be fine also
15 with the other Mr. Perez?

16 MR. PEREZ: He'll be back on the island
17 by then.

18 THE COURT: Okay.

19 MR. MARTIN: And Your Honor, I would
20 assume that prior to that date we would try to
21 get filed with the Court our joint motion that
22 we've talked about at least so you'll have it in
23 front of you and we can discuss might be
24 resetting deadlines at that time.

25 MR. LEON GUERRERO: Yes.

1 THE COURT: And you know, hopefully by
2 then you would have had the opportunity to look
3 at the discovery and just provide to the Court an
4 estimate as to the time that's needed for
5 preparation and as to when it would be
6 appropriate for the Court to set this matter for
7 trial, taking into consideration due diligence in
8 its preparation -- in your preparation.

9 MR. MARTIN: Yes, sir.

10 THE COURT: All right. Let me go ahead
11 then and vacate the current dates that has been
12 represented to the Court to be inappropriate and
13 unreasonable in light of the extensive discovery
14 and perhaps the complexity of the case before the
15 Court. So the trial date that currently has been
16 set by the Court and all those other dates in its
17 trial scheduling order, all of those dates are
18 hereby vacated upon motion by the parties, a
19 joint motion, and the Court in lieu thereof will
20 set a status hearing for August 15th. I'm sorry,
21 August 20th, that's a Monday, at 9:00 in the
22 morning.

23 CLERK: (Indiscernible) time between
24 now and then --

25 THE COURT: So the Court, having

1 granted the joint motion and indicating the trial
2 dates and in setting a status hearing for the
3 20th of August at 9:00, the Court will exclude
4 from the running of the speedy trial clock the
5 date from today to the status hearing, finding
6 that the interests of justice are served by the
7 granting of the joint motion before the Court and
8 that such a continuance outweighs the best
9 interest of the public and the Defendant in a
10 speedy trial in that it provides the Defendant
11 the discovery that's needed for purposes of
12 effective preparation in this case, taking into
13 consideration the exercise of due diligence and
14 also providing continuity in counsel.

15 So the timeframe from today to the
16 status hearing on August 20th is hereby excluded
17 from the running of the speedy trial clock. And
18 I guess the next issue that we need to determine
19 really is bail for Mr. Walker. The pretrial
20 services here has filed an addendum report to the
21 report initially prepared by the pretrial
22 services in the Western District of Oklahoma.
23 And let me just ask our probation office their
24 recommendations then at this point.

25 MS. YAMASHITA: We request that the --

1 we are recommending that the Defendant be
2 released with conditions, Your Honor.

3 THE COURT: All right, and specifically
4 what conditions are you asking the Court to
5 impose?

6 MS. YAMASHITA: That he -- I believe it
7 is the Defendant's intent to return to the
8 District of Missouri. So should the Court
9 release him today, Your Honor, we ask that he
10 remain at that address and not --

11 THE COURT: Specifically what is the
12 address?

13 MS. YAMASHITA: Oh, it is 3561 Route C,
14 Neosho, Missouri. We are also asking that he not
15 have any contact with his Co-Defendants and that
16 he submit to the supervision of the U.S.
17 probation office in Missouri.

18 THE COURT: And with other standard
19 conditions, I suppose?

20 MS. YAMASHITA: Not possess a firearm,
21 destructive device or other weapon, not use
22 alcohol at all, not use or unlawfully possess a
23 narcotic, drug or other controlled substance and
24 report as soon as possible to the pretrial
25 services officer or supervising officer every

1 contact with law enforcement personnel, including
2 arrests, questioning or traffic stops.

3 THE COURT: With regards to Mr.
4 Walker's passport, do you have the passport, sir?

5 MR. MARTIN: He does have a passport,
6 Your Honor.

7 THE COURT: For purposes of travel
8 here?

9 MR. MARTIN: Yes, sir. Your Honor, he
10 lives in Missouri. He has a business here. He
11 works here. The Co-Defendants in the -- may I?

12 THE COURT: Certainly.

13 MR. MARTIN: The Co-Defendants that are
14 here in the courtroom are employees of his. As
15 part of his employment, he has to talk to him
16 every day. And we all have, for lack of a better
17 word, a common defense. Based on the fact that
18 the Government has so much discovery material,
19 we're all going to need to be talking to each
20 other so that on August 20th, when we show up, we
21 can have some kind of a meaningful conversation
22 with the Court as to what we're doing.

23 THE COURT: You mean the attorneys need
24 to talk to each other about the case?

25 MR. MARTIN: Well, the Defendants do

1 to, Your Honor, because they work together and
2 because we we've got so much material to go
3 through.

4 THE COURT: You mean outside of the
5 presence of their attorneys?

6 MR. MARTIN: Sorry?

7 THE COURT: Outside of the presence of
8 their attorneys.

9 MR. MARTIN: They work in the same
10 facility, Your Honor. It's like they all work in
11 one business together, and they do -- you know,
12 they conduct businesses. I've never had the
13 condition where Defendants can't talk to each
14 other in 39 years of practicing law, Your Honor.

15 THE COURT: But not with regards to the
16 case.

17 MR. MARTIN: Not with regards to any
18 case have I ever had a condition where Defendants
19 cannot speak to each other, particularly when
20 they work together.

21 THE COURT: Well, that must be
22 something unusual in Missouri or Oklahoma.

23 MR. MARTIN: I've practiced all over
24 the United States, Your Honor. Never in Guam,
25 but --

1 THE COURT: Well, cultures differ in
2 the different districts of the United States.

3 MR. MARTIN: I understand that.

4 THE COURT: So the culture in Oklahoma
5 and Missouri may be different from the culture in
6 Northern California, Southern California,
7 District of Hawaii, District of Alaska or the
8 District of Guam.

9 MR. MARTIN: Sure. I understand the
10 cultural differences, Your Honor, but when people
11 work together, I can understand you not
12 wanting --

13 THE COURT: So you want us to tell them
14 to go ahead and discuss the case among
15 themselves?

16 MR. MARTIN: I want you to allow them
17 to talk to each other for purposes of employment,
18 for purposes of -- when all the lawyers are
19 present, we can talk about the case together.

20 THE COURT: Well, that's what I said.

21 MR. MARTIN: Okay.

22 THE COURT: To allow you -- to allow
23 them to talk to each other about the case in the
24 presence of their attorneys.

25 MR. MARTIN: Correct.

1 THE COURT: And I thought you said that
2 that was something you did not want them to do.

3 MR. MARTIN: No, I want them to be
4 allowed to do that.

5 THE COURT: In the presence of their
6 attorneys.

7 MR. MARTIN: Correct.

8 THE COURT: To talk about the case.

9 MR. MARTIN: Yes, sir.

10 THE COURT: And I have an objection to
11 that.

12 MR. MARTIN: And the other problem is,
13 Your Honor, they need to be able to talk about
14 other things when they work together. They
15 actually work in the same facility, and so they
16 need to be able to talk to each other and say,
17 move, something's going to hit you in the head if
18 you don't move. If they can't talk, they can't
19 work together. And they all run the business. I
20 don't mind them not talking about the case, but
21 other communications, they should be able to work
22 together and basically not shut down Hansen
23 Helicopter where they all work.

24 THE COURT: Well, that would seem to be
25 reasonable, sir.

1 MR. MARTIN: So --

2 THE COURT: That would seem to be
3 reasonable.

4 MR. MARTIN: And that's what I want to
5 make sure that we don't run afoul of the Court's
6 order by having some federal agents show up at
7 work, and they're all there working and 00

8 THE COURT: Well, they cannot all be
9 there working because the Court has set a
10 schedule. The Court has previously set a
11 schedule that allows them to work in such a way
12 that they're not all together at the place of
13 employment.

14 MR. MARTIN: That's going to -- Your
15 Honor, you might -- the Court might as well just
16 shut the business down, from what I understand
17 from talking to Mr. --

18 THE COURT: Well, it's been going on
19 and working for the past couple of days.

20 MR. MARTIN: I don't know. I haven't
21 had a chance to talk to any of them, Your Honor.
22 That's my concern. I think the Court -- I think
23 it's appropriate for the Court to order them not
24 to discuss the case among themselves except in
25 the presence of their lawyer. But to prevent

1 them from -- they've been working for 20 years
2 every day together in the same business. With
3 that understanding, it's reasonable.

4 THE COURT: It would be reasonable for
5 the Court to say that they can talk to each other
6 about the business, really, the operations of the
7 business. But the Court has previously set a
8 schedule as to when these employees are able to
9 work at the business, sir, and they've agreed to
10 that schedule. So if you want the Court to
11 revise that schedule, their attorneys would have
12 to make a motion on their behalf.

13 MR. MARTIN: Your Honor, I think their
14 attorneys are here, if the Court would entertain
15 it.

16 THE COURT: But you don't have standing
17 to make the motion on their behalf.

18 MR. MARTIN: Sure, and that motion --
19 that was not a condition, at least in Oklahoma,
20 that was put on Mr. Walker, Your Honor.

21 THE COURT: Well, I'm not talking about
22 Mr. Walker. I'm talking about the condition the
23 Court has set for the other Defendants, and those
24 remain in place --

25 MR. MARTIN: Mr. Walker --

1 THE COURT: -- until their attorneys
2 move the Court to change those conditions of
3 release. And the only person that can do that is
4 their attorney, not Mr. Walker's attorney.

5 MR. MARTIN: I understand, Your Honor.
6 As it relates to Mr. Walker, he owns the
7 business. I would assume it would be all right
8 for him at any time to go to the business that he
9 owns as long as he does not talk to any of the
10 Co-Defendants about the pending case.

11 THE COURT: That would be reasonable.
12 That would be reasonable.

13 MR. MARTIN: Okay.

14 THE COURT: I can agree to that.

15 MR. MARTIN: Okay. I just --

16 THE COURT: But, you know, we
17 haven't -- we haven't set the conditions of
18 release yet.

19 MR. MARTIN: Sure.

20 THE COURT: We're still talking about
21 those conditions.

22 MR. MARTIN: I mean --

23 THE COURT: And one of the conditions
24 that you're asking the Court is that he be
25 allowed to talk to these employees for the

1 purpose of running the business, and that would
2 be reasonable to the Court, really. As head of
3 the business, there needs to be the ability to
4 make directives that need to be followed for
5 purposes of the business moving forward. So I
6 see that to be reasonable in this case.

7 MR. MARTIN: And just so the Court will
8 be aware, Your Honor, for setting conditions of
9 bond, and I know you haven't set them yet, but we
10 voluntarily agreed months ago that if we found
11 out there was an indictment, we would surrender.
12 That didn't occur because we weren't notified.

13 But once we found out there was an
14 indictment, we did surrender voluntarily. We
15 appeared in Oklahoma last Friday, and these
16 conditions that were in Oklahoma were set. And
17 in all candid, we had to jump through all kinds
18 of hoops to get here. I got here Thursday
19 morning at 2:00 so that we could be here. Mr.
20 Walker jumped through all kinds of hoops too, to
21 be here.

22 And I think under the Bail Reform Act,
23 the Court should, you know, put the least
24 restrictive measures in to assure his appearance
25 and him voluntarily and jump through hoops to get

1 here I think is at least a good showing of good
2 faith in that regard. I'd ask the Court to
3 consider that. As relates to a couple other
4 issues that the probation officer mentioned, if I
5 could address those, I'd appreciate it.

6 THE COURT: Certainly, sir.

7 MR. MARTIN: He lives on a farm in
8 Missouri, and it's a large farm. And there are
9 all kinds of, for lack of a better --

10 THE COURT: According to the bail
11 report, it's 5,000 acres.

12 MR. MARTIN: Yes, sir. There are all
13 kinds of what I'll refer to in Oklahoma as
14 varmints, and --

15 THE COURT: I think that's probably
16 bigger than our villages of Sinajana.

17 MR. MARTIN: There's all kinds of
18 varmints, snakes, coyotes and things like that.
19 And firearms are necessary sometimes to kill
20 those so that they don't kill livestock or hurt
21 humans or anything like that. And I would ask
22 that -- there's no indication that he's a violent
23 individual, that he'd at least be allowed to have
24 his firearms for that limited purpose, Your
25 Honor.

1 THE COURT: Let me ask, is there an
2 objection from the probation office to allow him
3 to have firearms in his home or in his ranch?

4 MS. YAMASHITA: Normally, Your Honor,
5 when we ask that firearms not be allowed in the
6 residence, it would be for the safety of officers
7 when they conduct their home visits. I would
8 still continue to recommend that his firearms --
9 he not possess any firearms for the safety of
10 those officers, should they intend to visit him
11 on pretrial.

12 THE COURT: Well, you know, a couple of
13 things to -- you know, like you said, sir, this
14 is a complicated case. The culture here is that
15 there's no firearms. I'm not so sure what the
16 culture is in Missouri. The probation office
17 there may have a different picture of what the
18 necessities are. They may say that in Mr.
19 Walker's situation, it may not be necessary to
20 impose a no firearms restriction on him. That I
21 can't say. But assuming that the -- I'm sorry --

22 MR. MARTIN: Oklahoma did not impose
23 that on him when we appeared there, Your Honor,
24 and the pretrial services officer in Missouri
25 knew that that, and we've actually talked to him.

1 THE COURT: See, I don't know that,
2 sir.

3 MR. MARTIN: I have the pretrial
4 services report from Oklahoma.

5 THE COURT: I have it. But, you know,
6 I'm talking about the District of Missouri --

7 MR. MARTIN: Right.

8 THE COURT: -- whether they have a
9 different perspective on the case other than
10 Oklahoma.

11 MR. MARTIN: They're providing
12 supervisory --

13 THE COURT: The recommendation is to
14 release Mr. Walker to his address in Missouri.

15 MR. MARTIN: Right.

16 THE COURT: And to have the probation
17 office there supervise him. And you know, what
18 I'm saying today is that office may say that a
19 condition that restricts Mr. Walker from the use
20 of firearms may not be necessary there.

21 MR. MARTIN: So is the Court -- I want
22 to make sure I understand you. If the probation
23 officer in Missouri is okay with him possessing
24 firearms, are you saying that that would not be a
25 violation in your eyes, Your Honor?

1 THE COURT: If they recommend that to
2 the Court and the Court adopts that
3 recommendation, yes.

4 MR. MARTIN: Okay.

5 THE COURT: But the Court has to adopt
6 it first here.

7 MR. MARTIN: I understand, Your Honor.

8 THE COURT: All right.

9 MR. MARTIN: I understand you clearly.
10 I'm assuming that his travel -- from what you're
11 saying, he can travel from Missouri to Oklahoma
12 to see me at my office?

13 THE COURT: Certainly.

14 MR. MARTIN: Okay. I just want to -- I
15 just want to make sure, Your Honor. It didn't
16 really address that in here.

17 THE COURT: I haven't really imposed
18 any restrictions on the travel. And at this
19 point, he has his passport, and I understand it's
20 reasonable for him to have his passport. How
21 else can he get to Guam?

22 MR. MARTIN: Exactly, Your Honor.

23 THE COURT: The first thing they ask
24 you when you try to board is, sir, let me see
25 your passport. So it wouldn't be unreasonable to

1 have him continue to hold on to his passport for
2 the purposes of travel here to Guam and when made
3 necessary for purposes of his case.

4 MR. MARTIN: May I have just a moment,
5 Your Honor?

6 THE COURT: Sure.

7 MR. MARTIN: The only other issue that
8 I wanted to address, Your Honor, was there were
9 no conditions relating to substance abuse. We
10 passed a test yesterday, a drug test yesterday.
11 I think my client advised the probation officer
12 that he generally has a couple of drinks in the
13 evening, and they've put in a recommendation that
14 he completely refrain from the use of alcohol.
15 There's no issue that I've seen as relates to
16 substance abuse on his part. And I would ask
17 that that just be that he not use alcohol
18 excessively. That would be the only other
19 Request that I would make.

20 THE COURT: All right. You know, in
21 looking at the pr trial services report from
22 Oklahoma, it did recommend that he submit to drug
23 and alcohol testing. And you're asking us not to
24 impose that?

25 MR. MARTIN: No, I'm asking that the --

1 one of the possible conditions be that he not
2 drink alcohol excessively --

3 THE COURT: That he not drink
4 excessively. That's what you're asking.

5 MR. MARTIN: Right. The substance
6 abuse testing --

7 THE COURT: To be consistent with the
8 bail report in Oklahoma.

9 MR. MARTIN: Yes, sir.

10 THE COURT: You know, like I said,
11 generally speaking, the culture here is that when
12 a person has been charged previously with DUIs
13 that a no drinking policy is imposed. Generally,
14 the culture here. So like I said, the culture
15 there in Missouri and Oklahoma may be different,
16 but generally the culture here is once a person
17 has been charged with a DUI offense, that that
18 condition of no alcohol use is imposed as a
19 required condition of release.

20 MR. MARTIN: Would that be something
21 that if the pretrial services officer, after he
22 talks to Mr. Walker or does some evaluation is
23 comfortable with, that we could submit something
24 to the Court, Your Honor?

25 THE COURT: Certainly. You know, we've

1 always changed these conditions of release
2 really, you know, as we see the passage of time
3 and how it applies to each Defendant really.

4 MR. MARTIN: Very well, Your Honor.

5 THE COURT: But I see here under, you
6 know, under his prior records, a DUI conviction
7 in 2002, a DUI conviction in 2006. So the more
8 prudent thing would be to require him not to
9 drink alcohol at all. Did you see that in the
10 bail report?

11 MR. MARTIN: I've seen those, Your
12 Honor. I mean that those are 12-year-old
13 arrests, and --

14 THE COURT: No, but he says he still
15 drinks --

16 MR. MARTIN: He says he --

17 THE COURT: -- at least twice and the
18 danger of drinking is that what if you get into
19 your automobile and start driving? And we
20 certainly don't want to see that condition.

21 MR. MARTIN: Sure, Your Honor. I
22 understand that. I don't think just too
23 excessively is unreasonable, but I understand the
24 Court's position.

25 THE COURT: But you know, I may modify

1 it if the probation office thinks it's a
2 condition that should no longer apply. Okay.

3 MR. MARTIN: Very well, Your Honor.

4 THE COURT: As to the -- any other
5 consideration, sir, that you want to place on the
6 record?

7 MR. MARTIN: I'm assuming, Your Honor,
8 for purposes of business, from what you're
9 telling me, since you're putting no restrictions
10 on his travel, he can travel for purposes of
11 business?

12 THE COURT: Well, I have to hear from
13 the Government first.

14 MR. MARTIN: Sure. Absolutely.

15 THE COURT: Yes.

16 MR. LEON GUERRERO: Yes, Your Honor.

17 THE COURT: Mr. Guerrero?

18 MR. LEON GUERRERO: So just to address
19 some of the points raised by counsel. So, so
20 just to put on the record, Your Honor, we do
21 object to the Defendants -- the Defendant being
22 able to communicate with the Co-Defendants in
23 this case. You know, the argument's been made
24 that, you know, they need to conduct business and
25 so forth, but the Government submits there's

1 conspiracy charges in the indictment, and this
2 conspiracy all stems from their business
3 dealings. It all stems from them talking with
4 one another, and the way they conducted their
5 business is the substance of a lot of those
6 charges that have been brought. So we are
7 concerned, you know, with this Defendant
8 communicating, you know, with any of these Co-
9 Defendants, again, even if it's just for business
10 purposes, because it's that communication, again,
11 which has led to these charges in the indictment.
12 That's number one.

13 Number two, you know, they can say, you
14 know, the Court orders, you know, my client not
15 to talk about the case, we'll do so. I mean,
16 really, how's that going to be monitored? You
17 know, I submit that the Court's prior scheduling
18 with the Co-Defendants, you know, working
19 different schedules has worked. We haven't
20 received any information that it's caused an
21 undue hardship on the company.

22 For purposes of Defendant Walker, you
23 know, if there's somebody that is identified at
24 Hansen that's separate and apart from the
25 Co-Defendants that can relay whatever message

1 Defendant Walker needs in order to operate the
2 business, I think that that'd be another
3 alternative to consider. But I want to put, you
4 know, our objection on the record of these
5 Defendants communicating, you know, about their
6 business, because, again, it's what's led to the
7 charges in the indictment, the way that they
8 operated their business.

9 With respect to the passport, I
10 understand, you know, he's going to be allowed to
11 go back to Missouri. He's going to need his
12 passport to, you know, leave Guam or to come into
13 Guam. I understand that. However, you know,
14 this is a Defendant who has ties to foreign
15 countries. This is a Defendant that's facing
16 serious time of he's found guilty at trial or
17 what have you. He is facing significant time in
18 jail. And for that, you know, we do think that,
19 you know, that has the potential for him to be a
20 flight risk, and therefore, we'd ask that there'd
21 be a travel restriction in place for any kind of
22 international travel. Again, he hasn't shown a
23 basis for a need to do so and therefore we'd just
24 ask that --

25 THE COURT: So basically, you're

1 telling the Court that if he desires to travel to
2 a foreign destination, that he should get the
3 permission of the Court first.

4 MR. LEON GUERRERO: Yes, Your Honor.

5 THE COURT: Okay.

6 MR. LEON GUERRERO: And we be allowed
7 to respond.

8 THE COURT: Okay. All right.

9 MR. LEON GUERRERO: And with that, the
10 Government has nothing further, Your Honor.
11 Thank you.

12 THE COURT: Mr. Martin, sir, in reply?

13 MR. MARTIN: Very briefly, Your Honor,
14 it was my understanding that the Court had -- at
15 least is considering allowing my client, who's
16 the owner of the business, to communicate with
17 his employees. And I'm just a little concerned
18 that there is no allegation whatsoever that there
19 is any type of ongoing misconduct by my client
20 relating to any of these Defendants in this case
21 and what the Government is basically asking the
22 Court to do Is to shut their business down.

23 I know they say, well, there's nothing
24 happened. It's been less than a week, Your
25 Honor, since the Court entered that scheduling.

1 But to not allow Mr. Walker to talk to his
2 employees about ongoing business is, in essence,
3 shutting down his business. And I would submit
4 to the Court that since he does own it, he should
5 be allowed to communicate with them about the
6 business as it goes.

7 As relates to my client being a flight
8 risk, I was here in April, Your Honor. I met
9 with the Government and assured them that if an
10 indictment was issued, we would appear. And I
11 asked to allow us to appear on a summons. That
12 was denied three times. I happened to have a
13 meeting in my office scheduled for last Thursday
14 with my client, and we found out that an arrest
15 warrant had been issued. He appeared in my
16 office Thursday morning. We immediately went to
17 the marshal's office in Oklahoma City. We
18 surrendered him. He knew, and he surrendered to
19 the marshal's office. We made appearance before
20 the magistrate in Oklahoma. We were told at that
21 hearing that they anticipated within about three
22 weeks --

23 THE COURT: Sir, just to advise you
24 that a lot of my fellow judges don't like the use
25 of the term magistrate. It's a magistrate judge.

1 Just to show you, they get real upset. I'm not,
2 but the others are. So I just wanted to let you
3 know that.

4 MR. MARTIN: And I apologize, Your
5 Honor. I didn't mean any disrespect by using
6 that.

7 THE COURT: That's what they wanted, to
8 make sure that there was no disrespect there.

9 MR. MARTIN: The judge in Oklahoma,
10 Your Honor, that we appeared in front of us told
11 us that she anticipated we would be required to
12 appear here within the next three weeks. We
13 found out Friday morning we would have to be here
14 this Friday. As I said, we jumped through all
15 kinds of hoops to get here. My client has known
16 about this investigation for over a year. He's
17 had plenty of opportunity to abscond, and that's
18 not occurring. Him failing to appear is not an
19 issue in this case.

20 I don't have any problems with his
21 travel being restricted. However, there are
22 certain jurisdictions like the Philippines,
23 Majuro, Micronesia and other countries that he
24 does business in, he has businesses in that I
25 would ask that he be allowed to travel to those

1 countries for purposes of business and nothing
2 else, obviously letting his pretrial services
3 officer know.

4 THE COURT: The travel to those places
5 were not identified in the initial pretrial
6 services report from Oklahoma.

7 MR. MARTIN: They weren't. We weren't
8 allowed. We were told we were going to have to
9 get permission to do that in Oklahoma, Your
10 Honor.

11 THE COURT: Well, what I'm saying is
12 that, you know, when it mentioned about the
13 Defendant's travels, all it did was it said that
14 he travels to -- let's see, where's the report?

15 MR. MARTIN: Your Honor, we clarified
16 that yesterday in our meeting with the pretrial
17 services officer here, I believe.

18 THE COURT: All right. It says he
19 travels often to Mexico, Asia, Singapore,
20 Philippines, right?

21 MR. MARTIN: Mexico is not for
22 business, Your Honor. The others are for
23 business.

24 THE COURT: Okay. All right. Go
25 ahead, sir. I'm sorry. I see it here.

1 MR. MARTIN: And I'm just submitting to
2 the Court that those would be travel for purposes
3 of his business, not for --

4 THE COURT: Let me ask you this. Is
5 there an opposition to require him that in the
6 event he needs to travel to these places for
7 business, that he provides the probation office
8 in Missouri his itinerary?

9 MR. MARTIN: Not at all.

10 THE COURT: And get their permission?

11 MR. MARTIN: Not at all, Your Honor.
12 That would be appropriate, I think.

13 THE COURT: Okay. All right.

14 MR. MARTIN: And that's the --

15 THE COURT: Let me see. I hear someone
16 from -- something from our --

17 MS. YAMASHITA: Your Honor, it would
18 also be a recommendation that he surrender his
19 passport to the probation office in Missouri.
20 And should he need to travel, he can -- as he
21 requests it through the Court, they can release
22 it to him whenever the need arises for him to
23 travel.

24 THE COURT: Okay. All right. Thank
25 you for that.

1 Sir?

2 MR. MARTIN: My only concern with that,
3 Your Honor, is, for example, if we have to come
4 out here or go somewhere and it's on the weekend
5 and we can't get it from them, and I'm not saying
6 that that that'll happen, but there are times
7 when you need a passport at the last minute to
8 come to Guam or to go to any of these other
9 countries. And your probation officer's office
10 is not open on Saturdays and Sundays. And that's
11 just a concern that I have. He's not shown any
12 propensity for flight. We've known about this
13 for a long time.

14 THE COURT: But if there's no
15 objection, though, to providing the probation
16 office there with the itinerary. Business travel
17 generally is planned. It's not last minute. So
18 I'm sure that if Mr. Walker intends to travel to
19 the Philippines, he must know that at least a
20 week before so that he can appropriately advise
21 the probation office there in Missouri to get his
22 passport. Is that too much of an inconvenience?

1 Mr. Walker lives here in Neosho, Missouri. The
2 office is in Springfield, Missouri, which is --

3 MR. WALKER: Sixty miles.

4 MR. MARTIN: -- an hour away. The
5 officer is not always there. He has a whole
6 territory he covers. And that's the concern I
7 have. I don't have a problem with providing an
8 itinerary. I just want the Court to know that
9 that will create a disadvantage. We'll work with
10 whatever conditions the Court gives us, but I
11 want you to be aware of everything.

12 THE COURT: I see. So what you're
13 saying to the Court then is that he'd be allowed
14 to continue to hold on to his passport, but if he
15 decides to travel to a foreign destination, that
16 he provide the probation office in Missouri the
17 itinerary prior.

18 MR. MARTIN: Absolutely.

19 THE COURT: And how much time would he
20 be required in advance to provide that notice?

21 MR. MARTIN: As soon as it's known. We
22 would provide it, Your Honor, as soon as travel
23 would be arranged. If he knew he was going to go
24 to, let's just say Guam, as soon as he knows he
25 has to be here, we will -- once travel is

1 arranged so we know the flight, where he's going
2 to be staying and everything, we would
3 immediately provide it to the probation office.

4 THE COURT: All right. Any other
5 concerns, sir?

6 MR. MARTIN: No, Your Honor.

7 MR. LEON GUERRERO: Your Honor, I just
8 have one thing to add, just for Your Honor's
9 consideration. If we can take a sidebar?

10 THE COURT: Okay. All right.

11 (Begin sidebar discussion.)

12 MR. LEON GUERRERO: The other thing I
13 want Your Honor to consider is the Government's
14 position regarding the contact that this
15 Defendant has with the Co-Defendants, I mean,
16 just receiving the effectuated witness warrants
17 there was an employee there that was violating
18 his immigration stats. So again, that's a
19 concern. He was in violation of his immigration
20 status.

21 THE COURT: Meaning?

22 MR. LEON GUERRERO: He was working at
23 Hansen, and we have information that he was
24 working at Hansen.

25 THE COURT: An H-2 worker or something?

1 MR. LEON GUERRERO: He's not even an H-
2 2. He came in under particular visa that didn't
3 allow him to work. Again, we have information
4 that he was working. So the concern that we
5 have, again, is it all deals with the way that
6 they're conducting business. And that's just one
7 example, like I said, of just recently affected
8 arrest warrant, we already found a violation of
9 immigration law. So we just want to put that on
10 the record that's a concern that the Government
11 has if this Defendant speaks with the
12 Co-Defendants. I mean, that's just one recent
13 situation where, again, there's a violation of
14 immigration law. I just want Your Honor to
15 consider that, you know, when you make your
16 decision.

17 THE COURT: Mr. Martin?

1 anything -- there's no allegation in there
2 relating to immigration violations. If that is
3 something, that would be a matter of a new
4 indictment, if there's a new investigation going
5 on. I don't know how my client can run a
6 business he owns if he can't communicate about
7 the business with his employees.

8 THE COURT: Well, you know, part of the
9 standard condition of release is that the person
10 comply with all federal and local laws. So as a
11 condition of release, that's something that he
12 must comply with. So to the extent that we find
13 out that there is some violation of law that
14 occurs within the premises, then obviously Mr.
15 Walker would be in violation of his condition of
16 release, and he can be brought back and then
17 we'll decide whether he's detained because he's
18 purposely violated or not.

19 MR. MARTIN: I don't know if they have.
20 And I agree with that. Absolutely, Your Honor.
21 But there's no evidence that I've been made aware
22 of that my client had anything to do with what --

23 THE COURT: Well, you know, as the
24 owner, see, he ultimately takes responsibility.
25 That's the problem.

1 MR. MARTIN: Well, I understand.

2 THE COURT: That's the problem.

3 MR. MARTIN: I understand he's
4 responsible for the business, but what his other
5 employees do --

6 THE COURT: We can't close our eyes to
7 other activities that are ongoing in the business
8 that's done by the employees, because ultimately,
9 he's responsible.

10 MR. MARTIN: Well, I think I would
11 respectfully disagree to a little extent, Your
12 Honor. If an employee of mine embezzles money
13 from somebody and I have no knowledge of it, I'm
14 not responsible for it. And I think we're all
15 agreeable on that. I don't know what -- I just
16 think --

17 THE COURT: Well, you know, true.
18 There's always different scenarios that would
19 apply. You know, the other question that I
20 wanted to address, really, now that we're on
21 sidebar, is the bail report. They recommended a
22 \$1 million unsecured bond. So I'm really looking
23 at the issue regarding the posting of some type
24 of bond here. I notice he's got property here in
25 Guam. Is that free and clear?

1 MR. MARTIN: I don't know. I can find
2 out. I believe it is.

3 THE COURT: Okay.

4 MS. MARTIN: Your Honor, might I also
5 add, the allegation in the civil forfeiture is
6 for an amount (indiscernible) \$4.6 million.

7 MR. MARTIN: They've seized that much.

8 THE COURT: Well, that's been seized
9 (indiscernible), right.

10 MS. MARTIN: And if we abscond, we
11 obviously lose that. So in essence, that
12 forfeiture and seizure also holds to be kind of a
13 bond without calling it a bond.

14 THE COURT: Well, I disagree in that
15 regard because you can't use something that's
16 been allegedly obtained illegally as the source
17 for, you know, for security. But I'm looking at,
18 you know, in lieu of the million dollar unsecured
19 bond, if he posts the property, can you ask him
20 if it's secured or not? Because it's the least
21 onerous, really (indiscernible).

22 MR. MARTIN: May I have a moment?

23 THE COURT: Yes, you may.

24 MR. MARTIN: My client tells me it's
25 free and clear, Your Honor. And we will be --

1 however, he doesn't know how to do it, and I
2 don't either, but --

3 THE COURT: Well, you have a local
4 attorney that will be able to assist you there,
5 Mr. Maher, if the Court requires that, a posting
6 of a bond, in lieu of an unsecured bond.

7 MR. MARTIN: Sure.

8 THE COURT: And that may allow the
9 Court to be more flexible in dealing with other
10 matters given the fact that it's got the security
11 and may allow him to keep his passport in that
12 sense.

13 MR. MARTIN: We'll do whatever the
14 Court (indiscernible) --

15 THE COURT: Oh, so that's available for
16 posting as bond?

17 MR. MARTIN: It is today.

18 THE COURT: And it's valued at
19 approximately \$800,000.

20 MR. MARTIN: That's what
21 (indiscernible).

22 THE COURT: Okay. All right.

23 (End sidebar discussion.)

24 MR. LEON GUERRERO: And Your Honor,
25 just in closing with respect to these conditions

1 that were being discussed, I would also ask that
2 -- I've indicated my objection to further
3 communications between the Co-Defendants, but we
4 would also ask that there be a stay away, no
5 contact with any potential witnesses in this case
6 as well.

7 THE COURT: Okay. All right. Any
8 final comments on your part, Mr. Martin, sir,
9 before the Court decides the bail issue?

10 MR. MARTIN: The only final comment is
11 what the Government just suggested, Your Honor,
12 if they want to provide us a list of witnesses,
13 we'll know who not to have contact with. Other
14 than that, I mean, we can make a pretty good
15 guess, but I'd hate to violate something
16 unknowingly. So that's the concern I have about
17 that last one is if they want to make sure we are
18 completely aware. Great. If they want us to
19 guess, it's kind of hard in that regard.

20 THE COURT: Mr. Guerrero, is there a
21 list of persons right now or is that something
22 you would want to provide them at a certain point
23 in time?

24 MR. LEON GUERRERO: That's something.
25 Yes, that's correct, Your Honor. We'll provide

1 it at a certain point in time.

2 THE COURT: Okay. All right. Okay.

3 The matter then before the Court concerns the
4 bail of Mr. Walker. And the Court will release
5 Mr. Walker with these conditions. To secure his
6 presence, the Court will require that he post a
7 property bond and that he, through local counsel,
8 obtain a -- or rather execute a deed of the
9 residence in Guam. And I'll ask Mr. Maher, sir,
10 if you can get the specific address of that
11 property and prepare --

12 MR. MAHER: Your Honor, would you want
13 a legal description or is it sufficient if we
14 were to just provide --

15 THE COURT: Well, whatever description
16 that's called for in any type of deed.

17 MR. MAHER: Well, then I'll have to
18 order a PTR if Mr. Walker does not have a PTR
19 available. So until that, that would take about
20 10 days from PATICO.

21 THE COURT: Sir, do you --

22 MR. MAHER: So --

23 THE COURT: Well, let me ask this, sir.
24 When you obtained this property, you probably got
25 a deed to the property, right?

1 MR. WALKER: Yes, Your Honor.

2 THE COURT: Where is that deed?

3 MR. WALKER: I believe I have it on the
4 property.

5 THE COURT: All right. And is it
6 accessible, the information on that date, is it
7 accessible to you at the present time?

8 MR. WALKER: I believe so, if it's
9 where I think it is. Yes.

10 THE COURT: Provide that information to
11 your local counsel here. All right. So that
12 would be the description that'd be used in the
13 preparation of the deed.

14 MR. WALKER: Yes, sir.

15 THE COURT: So the deed is to be -- the
16 grantee will be the clerk of court, the District
17 Court of Guam. So that would be in lieu of the
18 \$1 million unsecured bond, sir. And the Court
19 will release you upon with the understanding that
20 that bond has to be provided to the Court. Also,
21 as part of your condition of release, the Court
22 will require that you be supervised by the --
23 now, the district in Missouri, is that just one
24 district, sir, or is it like a northern,
25 southern, eastern, western?

1 MR. MARTIN: Your Honor, I believe it's
2 the District of Missouri, but it's the Southern
3 Division.

4 THE COURT: The Southern District?

5 MR. MARTIN: Southern Division.

6 THE COURT: Oh, Southern Division.

7 MR. MARTIN: There's one district and
8 there's a northern and a western and a southern.
9 It's southern.

10 THE COURT: All right. So it's just
11 the District of Missouri then?

12 MR. MARTIN: Yes, sir.

13 THE COURT: Southern Division.

14 MR. MARTIN: Yes, Your Honor.

15 THE COURT: Okay. Supervision at the
16 District of Missouri, Southern Division, that you
17 are basically, sir, not restricted in your travel
18 activities. If you desire to -- for business
19 purposes only, if you desire to travel abroad,
20 you are required to notify the probation office
21 there as soon as it is reasonably -- I'm trying
22 to see what's the -- determined that you're going
23 to make that trip. So if you know it three weeks
24 in advance and that notice three weeks in
25 advance, if you know it, if it's urgent, send an

1 email that is urgent.

2 Because the Court is receiving a
3 property bond, the Court will allow you to keep
4 your passport merely because of the
5 representations made to the Court of the
6 inconvenience to -- you know, it's not like Guam
7 where you could just go to a probation officer, a
8 two-minute drive to get your passport. I'm
9 advised that the distance between where you are
10 located and the probation office there may be
11 significant in terms of time travel. So based on
12 that consideration, the Court will allow you to
13 keep your passport.

14 The Court will require that you not
15 consume alcohol, sir, unless the probation office
16 in the District of Missouri finds that condition
17 to be not as appropriate as the Court here thinks
18 it is. And to the extent that they think it
19 would be inappropriate, they should ask the Court
20 here to modify your conditions of release so that
21 that condition will be changed from no use of
22 alcohol to no excessive use of alcohol.

23 And for purposes of business, you know,
24 I know it's -- when you're running a business,
25 it's difficult not to be able to tell people what

1 to do. So the Court will allow you to
2 communicate with your employees solely for the
3 purpose of the business operation of Hansen
4 Enterprises. You are not to discuss any matter
5 regarding the case that is before the Court with
6 any of your employees, except in the presence of
7 your attorney. All right?

8 MR. WALKER: Yes, Your Honor.

9 THE COURT: So if I find that somehow
10 you've talked to any one of them, sir, or that
11 you violate any other condition of release, you
12 may be subjected to a warrant of arrest by this
13 Court. And the Court will require that you not
14 leave the Territory of Guam, sir, until the
15 property bond has been provided to the Court and
16 the Court is satisfied with the deed. Once the
17 Court is satisfied, then you are free to leave
18 Guam to return back to your residence. Is there
19 anything I missed?

20 CLERK: Firearms.

21 THE COURT: Oh, on the firearms. On
22 the firearms issue, let me leave that
23 considerate. I'm ordering no firearms at the
24 present time. You may discuss that issue with
25 the probation office there in Missouri. And if

1 they find it reasonable, you know, because I
2 don't know the conditions where you live, sir. I
3 don't know. Are there bears around or animals
4 where you need protection from a firearm? And if
5 that is the case, then obviously the probation
6 office makes that recommendation to the Court
7 that you need your firearm as a protection
8 against animals, then obviously that may be a
9 reasonable condition. I don't know.

10 Mr. Martin?

11 MR. MARTIN: Your Honor, I just want to
12 advise the Court, currently there are firearms on
13 the residence.

14 THE COURT: Right.

15 MR. MARTIN: And he'll have to go back
16 and make arrangements to have them removed. So
17 there'll be a short period of time, since he's
18 here now, that we'll need to make those
19 arrangements.

20 THE COURT: We don't want him to be in
21 violation at the present time --

22 MR. MARTIN: Exactly, Your Honor.

23 THE COURT: -- because of what the
24 Court has ordered. Right. So the Court will
25 give you an opportunity, sir, to discuss that

1 issue with the probation officer and have them
2 make that recommendation to the Court here. All
3 right? And like I said, if they say that it's
4 all right for you to have possession of these
5 firearms, then they need to advise us so that we
6 can modify the condition of release, sir.

7 MR. WALKER: I understand.

8 THE COURT: The Court will require that
9 you submit to drug and alcohol testing. That's
10 part of the conditions of release originally
11 recommended to the Court, that you report all
12 contact with any law enforcement officer or
13 office to the United States probation office,
14 that you not use any or possess any narcotic,
15 drug or controlled substance unless prescribed by
16 a licensed medical practitioner. Is there
17 anything that I missed?

18 MR. LEON GUERRERO: Just the no contact
19 with potential witnesses in this case, which
20 we'll provide a list.

21 THE COURT: There's no contact with the
22 potential witnesses. And the Government will
23 provide you a list, sir, of individuals that are
24 potential witnesses here and individuals that
25 they want you to not have any contact with.

1 MR. WALKER: I understand.

2 THE COURT: Probation, is there
3 anything else that the Court should include?

4 MS. YAMASHITA: To report any contact
5 with law enforcement personnel, Your Honor.

6 THE COURT: Okay. All right.

7 MR. MARTIN: You did that.

8 THE COURT: All right. So those would
9 be the conditions of release then, sir. And the
10 Court will order your release today and order
11 that you comply with these conditions of release
12 and also advise you that if you fail to comply
13 with these conditions of release, a warrant for
14 your arrest may be issued and you could be jailed
15 pending for the proceedings herein.

16 Also, if you fail to appear in Court
17 when required, that's a crime for which you can
18 be sentenced to prison or be subject to contempt
19 of court. And also, should the matter go to
20 trial, please note it is a crime to try to
21 contact any potential juror or to otherwise
22 obstruct the administration of justice.

23 Also, if you commit a crime while on
24 release, that may lead to more severe punishment
25 than you would have received for committing the

1 same crime at any other time. Do you understand
2 that?

3 MR. WALKER: I do, Your Honor.

4 THE COURT: All right. Let me then
5 order your release and order you to comply with
6 these conditions of release as the Court has
7 stated. Any questions?

8 Mr. Martin?

9 MR. MARTIN: Your Honor, the Court
10 scheduled a status conference for August 20th.
11 Do you require the Defendant to be present for
12 that conference?

13 THE COURT: Generally, we will, unless
14 the attorneys ask that their presence not be
15 required and. But let us know in advance
16 thereof. Don't surprise us. Don't surprise us
17 at the date of the hearing by telling me you've
18 told them not to come.

19 MR. MARTIN: Don't call you on the
20 19th. Yes, sir.

21 THE COURT: Yes. Okay.

22 MR. MARTIN: Thank you, Your Honor.

23 THE COURT: All right. Thank you very
24 much for being here this morning.

25 MR. LEON GUERRERO: Thank you, Your

1 Honor.

2 THE COURT: You're welcome.

3 (Proceedings adjourned at 10:14 a.m.)

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C E R T I F I C A T E O F

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3 I, Sonya Ledanski Hyde, certify that the
4 foregoing transcript is a true and accurate
5 record of the proceedings.

6

7 Sonya M. deolanki Hyd

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9

10

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16 Date: July 29, 2025

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